



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

Com. v. Hunt, 4 Metc. (Mass.), 111, 122, 38 Am. Dec. 346; *State v. Buchanan*, 5 Har. & J. 317, 333, *et seq.*, 9 Am. Dec. 534; *Reg. v. Warburton*, L. R. 1 Cr. Cas. 274, 276. The use of secret combination, which is itself a fraudulent device, dangerous to the public, imparts to the cheat thus accomplished the necessary element of criminality, and the combination to that end is a criminal conspiracy."

Cf. *Com. v. Meserve*, 154 Mass. 64; *McKee v. State*, 111 Ind. 378.

CORPORATIONS — LIABILITY FOR ASSAULT BY SERVANTS — PLEADING. — Plaintiff visited the store of defendant company for the purpose of purchasing goods, where for some cause not stated, or without cause, she was set upon by defendant's employees and beaten and thrown to the floor, sustaining serious injuries. Held, that the defendant as a corporation is liable as an individual for the acts of its servants done in the course of their employment as such. *Mossession v. Callendar etc. Co.* (R. I.), 52 Atl. 806.

Rogers, J., alludes to the confusion in the law upon this point and its alteration from time to time, and makes the following quotations in support of the ruling of the court:

"Chitty, in his work on Pleading (volume 1, 13th Am. Ed. *76), says, 'With regard to the liability of corporations, it is a clear general rule that they are liable to be sued as such in case or trover for any torts they may cause to be committed. It has been laid down that a corporation cannot be sued in its corporate capacity in trespass; but this position appears to be incorrect, for, although a corporation cannot as a corporate body actually commit a trespass, yet they may order it to be done, and ought, therefore, to be responsible for the consequences. In these cases it is often very material to fix the corporation with liability, and to be entitled to redress from the corporate funds, rather than to be driven to a remedy against servants of the corporation.' Seventy years later, Mr. Justice Swayne, in *Bank v. Graham*, 100 U. S. 699, 702, 25 L. Ed. 750, used this language: 'Corporations are liable for every wrong they commit, and in such cases the doctrine of *ultra vires* has no application. They are also liable for the acts of their servants, while such servants are engaged in the business of their principal, in the same manner and to the same extent that individuals are liable under like circumstances. An action may be maintained against a corporation for its malicious or negligent torts, however foreign they may be to the object of its creation, or beyond its granted powers. It may be sued for assault and battery, for fraud and deceit, for false imprisonment, for malicious prosecution, for nuisance, and for libel. In certain cases it may be indicted for misfeasance or nonfeasance touching duties imposed upon it in which the public are interested. Its offenses may be such as to forfeit its existence.'"

INTERNAL REVENUE — BANKS AND BANKERS — CAPITAL — SURPLUS. — The war revenue act of 1898 provides that bankers and persons, firms and companies engaged in similar occupations shall pay a certain tax upon a fixed capital and an additional amount upon every thousand dollars over that